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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/701,938 | 11/05/2003 | James Edward Akins | 30690/38452 | 7130 |
| 4743 | 7590 | 10/18/2005 | EXAMINER | |
| MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606 | | | LAI, ANNE VIET NGA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2636 | |

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/701,938 | AKINS, JAMES EDWARD | |
| | Examiner | Art Unit | |
| | Anne V. Lai | 2636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 15-20 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 6, 14 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Objections

1. Claim 26 is objected to because of the following informalities: The word "stop" in the first line of claim must be changed to – step --. Appropriate correction is required.
2. In the specification, paragraph [0027] first line: "detector 88" should be changed to – detector 84 --.
3. In the specification, paragraph [0028] fourth line: "bottom portion 104" should be changed to – bottom portion --, since "104" is designated to display unit in the third line of the paragraph.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 5 recites the limitation "the apparatus" in the second line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5, 9-10, 12, 16-17, 20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Caulfield** [US. 6,870,791] in view of **Maier** [EP.0978734 A2].

In claims 1 and 20, Caulfield discloses a screening device for supporting a metal detector comprising: an interior compartment defined by a top panel, a plurality of sidewalls and a base supporting the metal detector within and in an operating position sufficient to detect the presence of metal placed in proximity to the top panel (floor plate 17, figs. 1a-c, 2; col. 4, lines 36-54; col. 10, lines 30-55).

Caulfield does not name the device, a prescreening; Maier teaches a screening station comprising a series of metal screening devices (1, 6, 7; fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made, a screening station can have plural screening devices used for different purposes, the first device in the row can be called a prescreening as designer choice.

In claim 2, Caulfield discloses the top panel is constructed of a material not detectable by the metal detector (material similar to the shoe sole material; col. 10, lines 44-46).

In claim 3, Caulfield discloses the top panel and the sidewalls are rectangular in shape (17, figs. 1a-c, 2).

In claim 5, Caulfield discloses the detector is placed within the floor plate, figures 1a, 1b and 2 shows the floor plate 17 having sidewalls and a bottom, therefore the sidewalls and bottom portion support is inherent.

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In claims 9, 10, 12 and 16 Caulfield discloses a metal prescreening device having a display means however the display mounting is not specified (col. 4, line 62), Maier teaches a metal prescreening device comprising a display unit supported above the top panel by a display stand (abstract; fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made the position and mounting of a display unit is a designer choice to best conveying information to users of the device.

In claims 17, Caulfield (abstract, col. 4, lines 36-65) and Maier (abstract) disclose the metal detector is adapted to detect contraband carried by shoe.

In claim 23, Caulfield and Maier disclose a method of prescreening individuals at a security station comprising:

- providing a primary screening device (6 and 7 in fig. 2 of Maier);

- providing a prescreening device in advance of the primary screening device (1 in fig. 2 of Maier)

- providing a metal detector contained within a housing of the prescreening device (Caulfield, 17 in figure 1a-c, 2, col. 4, lines 36-54), wherein the metal detector is adapted to detect the presence of contraband placed in close proximity to the housing;

- inviting an individual to place a shoe being worn by the individual in proximity to the housing (inherent),

- detecting the presence of or lack of contraband carried by the shoe worn by the individual; and

- investigating by use of the primary screening device, the presence of contraband detected by the prescreening device.

In claim 24, Caulfield discloses a plurality of metal detectors and non-metal detectors sending detected data to a processor which process all signals received for each sampling time (col. 10, line 31 – col. 11, line 54); It would have been obvious data from the prescreening device must be sent to the primary screening device for data to be integrated in a scan profile for each instance therefore effectively coordinate data in a security system.

In claim 25, Maier teaches the prescreening device displaying instructions to the individual (abstract).

8. Claims 4, 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Caulfield** and **Maier** in view of **Rodriguez** [US. 5,039,981].

In claims 4, 13 and 26 Caulfield fails to disclose a visual cue on the top panel, Rodriguez teaches a metal detector system comprising a visual cue to indicate position of shoes to be placed on a platform riser to provide reliability to the detection system (treads 38 and 40 on platform riser 25; fig. 2; col. 4, lines 8-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a visual cue taught by Rodriguez in Caulfield and Maier's system to provide reliability to the detection system.

9. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Caulfield** and **Maier** in view of **Cheng** [US. 6,373,695].

In claims 7 and 8, Caulfield and Maier silent about the detail of mounting structure for holding the metal detector; Cheng teaches a mounting rack with access window and having sidewall apertures and beam (rack) for supporting an electronic

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device (CD-ROM). It would have been obvious to one of ordinary skill in the art, the way of mounting a detector or any electronic device within a structure is based on designer choice, and the floor plate of Caulfield may be designed to have the mounting structure of Cheng for facilitating the installation or removal of the detector.

10. Claims 11, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Caulfield** and **Maier** in view of **Ross** [US. 1,887,169].

In claims 11 and 22, Caulfield fails to disclose the top panel rearward portion is lower than the forward portion; Ross teaches a weighting scale having an approach rising from the floor to the top surface of the platform to prevent that a person would trip or stumble (page 1, line 83 – page 2, line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Ross to Caulfield device providing a top panel with low rearward portion for the safety of the passersby.

11. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Caulfield** and **Maier** in view of **Clements** [US. 6,222,450] or **Bauman** [US. 6,211,672].

In claims 18 and 19, Caulfield and Maier silent about the metal detector removable from the support; Clements teaches a metal detector removable attached to a support (col. 2, lines 62-67; col. 10, lines 17-34), and Bauman teaches the metal detector can be attached to the support by an elastic band (fig. 1-4; col. 3, lines 1-14).

It would have been obvious to one of ordinary skill in the art to use a removable attached metal detector for the convenient of the user adjusting a proper position of the detector for accurate sensing operation or for installing the detector only when needed.

Allowable Subject Matter

12. Claims 6, 14 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guennewig [EP.1411373 A2]; Manneschi [US.2005/0116825]; De Torfino [US. 5,959,451]; Gan [US.6,469,889].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

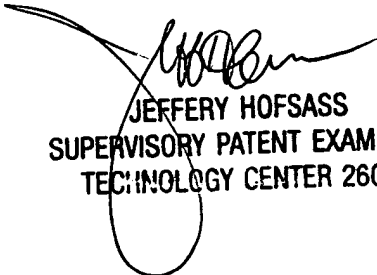
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

AVL

September 23, 2005


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
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